

119TH CONGRESS
2D SESSION

H. R. 9290

To amend title 28, United States Code, to provide for the allotment of Supreme Court justices to circuits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2026

Mr. MORELLE (for himself, Ms. WILLIAMS of Georgia, Mr. MULLIN, and Mrs. RAMIREZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for the allotment of Supreme Court justices to circuits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supreme Court Justice
5 Circuit Riding Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) Circuit riding, the system of the Supreme
9 Court justices traveling the country to serve as

1 judges of the various Federal circuit courts, was an
2 essential component of the Supreme Court's practice
3 for the first 121 years of its history. See David R.
4 Stras, Why Supreme Court Justices Should Ride
5 Circuit Again, 651 MINN. L. REV. 1710, 1711
6 (2007); see also *Stuart v. Laird*, 5 U.S. (1 Cranch)
7 299 (1803) (rejecting constitutional objections to
8 circuit riding). That practice ended in 1911.

9 (2) For the justices, the practice of circuit
10 riding exposed the justices to life outside of Wash-
11 ington and brought them closer to the American
12 public.

13 (3) Today's justices, in contrast, spend roughly
14 9 months a year cloistered in the Supreme Court
15 building in Washington, DC, rendering decisions and
16 issuing opinions on some of the most consequential
17 issues of the day. See Stras, *supra*, at 1711.

18 (4) The principal historical arguments against
19 circuit riding regarded burdensome travel and a bur-
20 geoning docket. Both concerns have dissipated. Mod-
21 ern-day travel is convenient and the Supreme
22 Court's docket has shrunk considerably. According
23 to an analysis by Adam Feldman, a lawyer and po-
24 litical scientist who publishes empirical work on the
25 Supreme Court, the Supreme Court's workload has

1 steadily declined since the 1960s. Indeed, by the
2 mid-2010s, the Supreme Court was deciding fewer
3 cases than it has since the Civil War and Recon-
4 struction. Adam Feldman, Looking Back to Make
5 Sense of the Court’s (Relatively) Light Workload,
6 EMPIRICAL SCOTUS (Jan. 9, 2018).

7 (5) Today, the public’s confidence in the Su-
8 preme Court is near historic lows. Joseph Copeland,
9 Favorable views of Supreme Court remain near his-
10 toric low, PEW RSCH CTR. (Aug. 8, 2024). Most
11 Americans cannot even name a single Supreme
12 Court justice. See Emily Birnbaum, Poll: More than
13 half of Americans can’t name a single Supreme
14 Court justice, ROLL CALL (Aug. 28, 2018).

15 (6) For these reasons, restoring the practice of
16 circuit riding would help to restore the public’s trust
17 in the justices, bring them closer to the people, and
18 expose them to life outside of the secluded confines
19 of Washington, DC. As then-professor (now judge)
20 David Stras observed, “[a] modern form of circuit
21 riding would ensure that justices gain exposure to a
22 wider array of legal issues, the laws of various
23 States, and the difficulties faced by lower courts in
24 implementing the Court’s sweeping (and sometimes
25 confounding) rulings” Stras, *supra*, at 1711.

1 **SEC. 3. ALLOTMENT OF SUPREME COURT JUSTICES TO CIR-**
2 **CUITS.**

3 (a) IN GENERAL.—Section 42 of title 28, United
4 States Code is amended to read as follows:

5 **“§ 42. Allotment of Supreme Court justices to circuits**

6 “(a) IN GENERAL.—The Chief Justice of the United
7 States and the associate justices of the Supreme Court
8 shall from time to time be allotted as circuit justices
9 among the circuits by order of the Supreme Court. The
10 Chief Justice shall make such allotments for any recess
11 during the period beginning on July 1 and ending on Octo-
12 ber 1, or while the court is otherwise in vacation. A justice
13 may be assigned to more than one circuit, and two or more
14 justices may be assigned to the same circuit.

15 “(b) PROCESS.—A justice of the Supreme Court al-
16 lotted as a circuit justice to a United States Court of Ap-
17 peals shall serve consistent with the following:

18 “(1) The justice shall sit on not less than 1
19 panel of the Court of Appeals.

20 “(2) The justice shall sit on one or more panels
21 of the United States Courts of Appeals for not less
22 than 10 days of oral argument during each year.

23 “(3) To the greatest extent practicable, a jus-
24 tice shall not sit with the same judge for more than
25 10 days of oral argument during any two-year pe-
26 riod.

1 “(4) The justice shall engage in such service
2 during the time period specified in subsection (a),
3 pursuant to the regulations provided in subsection
4 (d).

5 “(5) No more than one justice may sit on a
6 panel in order to fulfill the requirements of this sec-
7 tion.

8 “(6) The justice is ineligible to vote on or par-
9 ticipate in an en banc rehearing of any matter.

10 “(7) The justice is eligible to vote for panel re-
11 hearing to the extent that they were a member of
12 the original panel.

13 “(8) The justice may not render such service by
14 video argument or teleconference.

15 “(c) SCHEDULING.—The chief judge of each circuit
16 shall schedule proceedings such that the justices may ful-
17 fill the requirements of this section.

18 “(d) REIMBURSEMENT OF NECESSARY EXPENSES.—
19 Provision shall be made for payment of reasonable travel,
20 lodging, and other expenses incurred by the justices, and
21 any staff accompanying a justice, in fulfilling the require-
22 ments of this section consistent with section 5702 of title
23 5, United States Code.”.

1 (b) DISQUALIFICATION.—Section 455(b) of title 28,
2 United States Code, is amended by adding at the end the
3 following:

4 “(6) For any consideration of a matter after
5 the justice has participated as a circuit justice.”.

6 (c) REGULATIONS.—Not later than 180 days after
7 the date of enactment of this Act, the Chief Justice, in
8 consultation with the Judicial Conference of the United
9 States shall, after appropriate public notice and oppor-
10 tunity for comment, issue relevant regulations for the
11 process of allotting circuit justices among the circuits in
12 accordance with this Act.

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